JEFFERSON COUNTY MERIT BOARD

RULES AND REGULATIONS

Effective 08/05/02

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JEFFERSON COUNTY MERIT BOARD NUMBER: 1.1

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REVISED: 04/01/87

08/11/88 05/08/97

1. GENERAL PROVISIONS

1.1 **AUTHORITY**

These are the rules and regulations of the Jefferson County Merit Board, which is authorized by Fiscal Court Ordinance to adopt rules governing the recruitment, application, testing and disciplinary grievances of employees in the Department of Health, the Air Pollution Control District, and the Planning Commission.

NUMBER: 1.2

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1.2 **PURPOSE**

The Board intends these rules to guide personnel actions of the affected departments in a manner consistent with generally accepted merit principles and concepts of sound personnel management.

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1.3 **SCOPE**

All employees of the Department of Health, Air Pollution Control District, and Planning Commission except the directors, executive secretaries to directors, division heads, Secretary-Treasurer, Air Pollution Control Officer, and assistant directors of each, are covered by these rules. Those persons employed as executive secretaries, division heads, and assistant directors in the affected departments on July 1, 1986 shall be covered by these rules but any person hired as, or promoted to, the position of executive secretary, division head, assistant director after July 1, 1986 shall not be covered by these rules.

The jurisdiction of the Board is limited to those matters contained in these rules and regulations. The Board has no jurisdiction in any other personnel matters and recognizes that the Jefferson County Personnel Policies Manual or appropriate collective bargaining agreements shall govern those issues.

The rules and regulations are not intended to create a contract for permanent or continuous employment. The Board reserves the right to change, modify, amend or repeal any rule within the guidelines established by these rules and regulations.

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1.4 POLICY OF NON-DISCRIMINATION

No person shall, in any way, be favored or discriminated against with respect to any personnel action under the authority of the Board, on the basis of race, color, sex (including sexual harassment), age, religious beliefs, national origin, physical or mental disability, or political opinion.

The Board adheres to the principles of equal employment opportunity and affirmative action as outlined in the Jefferson County Personnel Policies Manual and the annual Affirmative Action Plan. Nothing in these rules or regulations shall be construed to supersede any applicable civil rights legislation or established objectives of the annual Jefferson County Government Affirmative Action Plan.

If an employee or applicant has reason to believe that he or she has been subjected to discrimination on the basis of race, color, sex, age, religion, national origin or disability, he or she should bring the matter to the attention of the Affirmative Action Coordinator in the Personnel Department, without delay.

If an employee or applicant has reason to believe that he or she has been subjected to discrimination on the basis of political opinion, he or she may appeal the matter to the Board. Such an appeal shall be in writing and shall be filed within seven (7) days of the alleged discriminatory action.

Reference - Policies Manual 1.4 and 15.4

NUMBER: 1.5

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1.5 POLITICAL ACTIVITIES

1.5(1) Prohibited Activities

No person governed by these rules and regulations shall:

- (a) Directly or indirectly work, give, solicit, or receive or remit any assessment, subscription, or contribution to or for any political party or any candidate for public office.
- (b) Be a member of any campaign committee or governing committee of any political organization or an officer in either.
- (c) Participate in the purgation or registration of voters.
- (d) Participate in the nominating process of any candidate or slate of candidates for public office as a delegate to any convention or nominating body or as a direct participant therein.
- (e) Display badges, buttons, signs, pictures, or political symbols for or against a candidate, slate of candidates, nominee or slate of nominees for elected office while the classified employee is on duty or in uniform; nor shall such be displayed on a classified employee's private vehicle which such is used by the employee for work assignments.
- (f) Become a candidate or nominee for any paid partisan or non-partisan political office.

1.5(2) Permitted Activities

Nothing contained in this rule shall be interpreted to prohibit a person governed by these rules from:

(a) Casting his or her vote in any election.

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(b) Wearing badges, buttons, signs, stickers, or political symbols for or against a candidate, slate of candidates, nominee or slate of nominees, while off-duty and out of uniform, or placing such items on a privately owned vehicle, if such vehicle is not used by the employee for work assignments.

- (c) Attending, while off-duty and out of uniform, a meeting or rally or any political candidate, organization, slate of candidates, nominee, or slate of nominees, for public office so long as attendance at such meeting or rally does not require any contribution, solicitation, receipt, remittance of monetary contribution, either directly or indirectly through the purchase of any item if any portion of the proceeds thereof provides any benefit to said committee, organization, candidate, slate of candidates, nominee or slate of nominees.
- (d) Contributing to Political Action Committees, which do not designate political party affiliation.

1.5(3) <u>Penalty</u>

Any such person found to be in violation of any portion of this rule, with the exception of section 1.5(1)(e), shall be summarily dismissed and shall not be employed under these rules for a period of one year thereafter; provided, however, that should the appointing authority fail or refuse to dismiss, the Board shall conduct a hearing which the accused person may attend with counsel; if the Board finds the accused guilty of violation of this rule the Board shall dismiss the violator with a consequent one year disqualification. Such action of the Board is final. Any such person who shall be found in violation of section 1.5(1)(e) may be suspended but shall not be subject to the summary dismissal provisions of this rule. Any employee so suspended is entitled to a hearing as provided in these rules.

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1.6 **AMENDMENTS**

- 1.6(1) The Board may amend these rules as it deems necessary to foster generally accepted merit principles or concepts of sound personnel management.
- 1.6(2) Amendments shall be proposed by a first reading. At a subsequent meeting, the Board shall hear a second reading and vote on adoption of the proposed amendment. Announcement of the second reading shall be made in writing to the County Judge/Executive, County Commissioners, Clerk of the Fiscal Court, and the directors of the Department of Health, the Air Pollution Control District, and the Planning Commission. The written announcement shall be posted by the directors at the Department of Health, Air Pollution Control District, and the Planning Commission and shall be posted at the Personnel Department.
- 1.6(3) At least three days shall elapse between proposal/first reading and second reading/adoption.
- 1.6(4) Approved amendments of these rules shall be announced in the same manner as provided for in 1.6(2).
- 1.6(5) Amendments of any material identified as an appendix of these rules may be made by simple resolution of the Board, without prior reading or notice. Amendments of appendix material shall be posted in the same manner as amendments of the rules.

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1.6(6) Changes in grammar, spelling, punctuation, numbering and other such changes, which do not alter the substantive meaning of the rules, may be made by the Director of Personnel. Notice of such changes shall be reported to the Board at its next regular meeting and announcement of the changes shall be distributed as provided in 1.6(2).

NUMBER: 1.7

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1.7 **DEFINITION OF TERMS**

Throughout these rules the following terms shall have the meaning given below, unless the context clearly indicates otherwise. The meaning of terms in appendix material shall be consistent wit the meanings given for these rules, unless the appendix material indicates otherwise.

APPEAL - a request made by an employee to the Board to review a layoff, dismissal, suspension or demotion.

APPLICANT - a person seeking admission to the examination process.

APPOINTING AUTHORITY - the County Judge/Executive

APPOINTMENT - the selection of an eligible to fill a vacancy

APPOINTMENT, ACTING - a temporary appointment to a higher classification for a period not to exceed thirty days.

APPOINTMENT, EMERGENCY - a temporary appointment made without regard to competition which shall not exceed 60 days and shall not be extended.

APPOINTMENT, SEASONAL - a temporary appointment made to meet work requirements occurring only during certain times of the year.

APPOINTMENT, TEMPORARY - an appointment for a specific and limited period of time to provide Jefferson County Government with work or a service of a temporary or transitory nature.

BOARD - the Jefferson County Merit Board

CANDIDATE - an applicant who has met all qualifications, and is completing all required examinations.

CERTIFICATION - the submission of a list of eligibles to the department director.

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CLASSIFICATION - one or more positions having the same job title, job code, minimum requirements, and in the same salary grade.

CLASSIFIED SERVICE - all employees of the Department of Health, Air Pollution Control District, and Planning Commission except the department directors, executive secretaries to department directors, assistant directors, division heads, Secretary-Treasurer and Air Pollution Control Officer.

COVERED EMPLOYEE - An employee, except those specifically excluded under 1.3, of either the Department of Health, Air Pollution Control District, or Planning Commission.

DAY - in all instances where day is referred to, it shall be understood to mean calendar days, unless otherwise noted. In computing any period of time prescribed by these rules, if the day on which, or by which an act is required to be done falls on a Saturday, Sunday, legal holiday, or a day on which the Office of Personnel Management is closed, the act may be done on the next day which is not one of the days just mentioned.

DEMOTION - the movement of an employee from one classification to another classification assigned to a lower salary grade.

DEPARTMENT - either the Department of Health, Air Pollution Control District, or Planning Commission.

DISCIPLINE - any effort to instruct or punish an employee concerning inappropriate conduct and behavior requiring redirection. Types of discipline may include counseling, warnings, reprimands, dismissals, suspensions, and demotions.

DISMISSAL - an involuntary separation.

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ELIGIBILITY LIST -- COMPETITIVE - a list of names of eligibles to be considered for appointment.

ELIGIBILITY LIST -- PROMOTIONAL - a list of names of eligibles in order of final earned rating compiled for a promotion classification based on promotional competitive examination.

ELIGIBILITY LIST -- PREFERRED EMPLOYMENT - a list of names of former regular covered employees separated from employment as a result of layoff and eligible to be considered for reemployment.

ELIGIBILITY LIST -- REEMPLOYMENT - a list of names of former regular covered employees who have resigned in good standing and are eligible to be reemployed within one year of their separation in positions assigned to the same classification as was last held prior to resignation.

ELIGIBLE - a person who has successfully completed all required numerically-rated examinations and may be considered for further selection procedures or appointments.

EMPLOYEE - a person employed by Jefferson County Government in either the Department of Health, Air Pollution Control District, or Planning Commission.

EMPLOYEE -- PROBATIONARY - an employee in the first six months of employment in a regular position.

EMPLOYEE -- REGULAR - an employee who has completed an original probation period.

EMPLOYEE -- SEASONAL - an employee whose services are required only during certain times of the year.

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EMPLOYEE -- TEMPORARY - an employee who is appointed for a specific and limited period of time not to exceed three months.

EQUIVALENT POSITION - a position of the same classification or the same minimum/maximum pay level.

EXHAUSTED - the state of an eligibility list when too few names remain on the list to provide the department director with adequate number for selection.

FINAL EARNED RATING - a numerical score achieved by a candidate on the combination of all numerically-rated components of the total examination process.

JOB DESCRIPTION - a written statement of the duties, responsibilities and qualifications requirements that are assigned to a classification.

LAYOFF - a separation due to a decrease in funds, a decrease in workload or reorganization.

LEAVE OF ABSENCE - an approved absence from work.

PASSING POINT - a numerical point value set for an examination or a segment of an examination such that all scores equal to it or above it are considered to be successful in that portion of the examination and all scores below it are considered to be unsuccessful.

POSITION - a collection of duties and responsibilities, which may be performed by one person.

PROBATION PERIOD - the first six months of employment during which an employee is required to demonstrate satisfactory performance of the duties of the position.

PROMOTION - the movement of an employee from one position to a position of another classification having a higher salary grade.

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PUBLIC NOTICE - delivering, personally or by mail, written notice to each newspaper, news service, radio and television station which has on file with the Board a request to be notified; and to each County Commissioner, the Clerk of the Fiscal Court, the County Judge/Executive, each director and each Board member and by posting the notice in each department.

QUALIFICATIONS - the minimum requirements necessary to perform the work of positions assigned to a classification.

REASSIGNMENT - the movement of an employee, within the same department, from one position to another position of the same or similar salary grade.

REEMPLOYMENT - the hiring within one year of separation of a former regular employee.

REINSTATEMENT (BOARD) - the reemployment of a former employee after review by the Board of an appeal of dismissal by the employee and findings and order of the Board directing reinstatement.

RESIGNATION - a voluntary separation.

SENIORITY - the status or priority given an employee based on length of service of the employee with the department or Jefferson County Government, whichever is longer.

SEPARATION - the end of employment.

SUSPENSION - an involuntary leave of absence.

TRANSFER - the movement of an employee from a classification in one department to a classification in another department having the same or similar salary grade.

VALIDATION - the establishment of a relationship between a selection procedure and content and/or performance in the job.

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VALUES - the relative weight assigned to each numerically rated component of the examination process.

NUMBER: 1.8

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1.8 **EFFECT ON DECLARATION OF INVALIDITY**

If any part of these rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining parts of these rules. The Board declares that it would have passed these rules and each part irrespective of the fact that any part be declared invalid.

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2. MERIT BOARD OPERATIONS

2.1 **MEMBERSHIP**

- 2.1(1) The Board is comprised of six members, who are appointed by the County Judge/Executive and subject to the approval of Fiscal Court. The County Judge/Executive or his or her designee serves as an exofficio member of the Board and is entitled to vote only in instances where a tie vote has occurred.
- 2.1(2) Each Board member must be at least twenty-eight years of age a resident of Jefferson County and not related by blood or marriage to the County Judge/Executive or any other member of Fiscal Court.
- 2.1(3) Board members serve for terms of four years, except that appointments to fill vacancies within terms shall be made only for the unexpired period of the respective term.
- 2.1(4) Board members may be removed by resolution of Fiscal Court for neglect, incapacity, misfeasance, or violation of Rule 1.5.
- 2.1(5) During their term of service on the Board, members may not hold any other public office, appointive or elective.
- 2.1(6) Not more than three (3) members of the Board may be adherents of the same political party.

NUMBER: 2.1

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2.1(7) Board members, before beginning their terms, are required to subscribe, take and file an oath of office as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true as a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of Jefferson County Merit Board Member according to law; and I do further solemnly swear that since the adoption of the present Constitution, I being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge nor aided or assisted any person thus offending, so help me God.

2.1(8) Two regular employees of each department shall be elected by their co-workers to serve on the Board for the purpose of hearing and voting on disciplinary appeal cases from their department only. These members serve two-year terms and are elected in July of even numbered years. A vacancy in one of these positions shall be filled by election by the employees of the department for the remainder of the unexpired term.

NUMBER: 2.2

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2.2 OFFICERS AND THEIR ELECTION

- 2.2(1) The officers of the Board shall be a Chairperson and a Vice-Chairperson
- 2.2(2) The Board shall elect its officers annually, at the regular meeting in July and at any other time there is a vacancy in one of the offices. The officers shall serve terms of one year until their successors are elected and qualified, or in the event of an election to fill an officer's unexpired term, for the duration of that term. The officers may be re-elected to these offices.
- 2.2(3) The duties of the Chairperson are as follows:
 - * preside at meetings and hearings of the Board;
 - * review and sign the minutes of meeting;
 - * issue subpoenas and administer oaths at hearings;
 - * monitor and evaluate the work of the Director of Personnel in relation to covered employees, and report on such to

the

Board; and

- * represent the Board, when necessary
- 2.2(4) The duty of the Vice-Chairperson is as follows:
 - * to serve as Chairperson in the absence or incapacity of the Chairperson

NUMBER: 2.3

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2.3 **MEETINGS**

- 2.3(1) The Board shall meet as least once every two calendar months.
- 2.3(2) The regular meeting of the Board shall be held at a place and time designated by the Board.
- 2.3(3) Special meeting of the Board may be called by either the Chairperson or by a majority of the members of the Board. Public notice of the special meeting state the date, time and place of the meeting, and what business will be considered. No other business except that stated in the notice shall be considered.

2.3(4) Quorums

Non-discipline related meetings

- a. At least four board members must be present at meetings of the Board to constitute a quorum.
- b. Business may not be conducted at a meeting unless there is a quorum of the members of the Board present.

Disciplinary appeals

- c. In cases of discipline, five members of the Board must be present to constitute a quorum, one of which must be an employee, as provided for in 2.1(8). In the event a disciplinary appeal results in a tie vote, the disciplinary action shall stand as issued.
- 2.3(5) Voting A majority of Board members present and voting shall determine any question, provided that a quorum is present.

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2.3(6) Minutes - The Director of Personnel shall be responsible for preparing the minutes of all meetings of the Board. The minutes shall be submitted for approval at the next regular meeting of the Board. The minutes shall be signed by the Director of Personnel and the Chairperson, or in the absence of the Chairperson, by the Vice-Chairperson. The minutes shall be open to public inspection immediately following the meeting of the Board at which they are approved.

- 2.3(7) Executive Sessions The Board may retire into executive session at any time, subject to the provisions of the KRS, upon motion duly made and approved by a majority of members present, stating the purpose for the special meeting. Any action taken in regard to the matters discussed in the executive session must be affirmed in an open public session of the Board.
- 2.3(8) Parliamentary Procedure In meetings, the Board shall be guided in its conduct by the KRS, these rules, Robert's Rules of Order and rulings of the presiding Officer.
- 2.3(9) Secretary The Director of Personnel or designee shall act as secretary for the Board and shall be responsible for:
 - * attending meetings and hearings of the Board, serving as the Secretary of meetings;
 - * enforcing and administering these rules;
 - * preparing the Board's budget and submitting such;
 - * hiring and directing any necessary staff; and
 - * performing all other tasks normally arising from the administration of the rules and all other tasks assigned by the Board.

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2.3(10) Reports to the Board - Each department director shall notify the Director of Personnel in writing of all appointments, reclassification, written disciplinary action, transfers, reassignments, separations, vacancies and the creation and/or abolition of positions. At each regular meeting the Director of Personnel shall report in writing to the Board on such matters occurring in the Classified Service since the Board's last regular meeting.

NUMBER: 2.4

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REVISED: 01/12/94

2.4 **RECORDS AND FILES**

2.4(1) Unless otherwise provided for, all record and minutes of Board activities shall be considered public records.

2.4(2) Personnel Files

- a. The Director of Personnel shall be the official records custodian and shall be responsible for maintaining and securing all personnel files.
- b. The provisions of the Jefferson County Personnel Policies Manual relating to public records shall apply to the personnel files and employment records of covered employees.

2.4(3) Open Records Request

- a. All open records requests made upon the Jefferson County Merit Board shall be directed to the Director of Personnel at the Board's principle office, Room 301, 517 Court Place, Louisville, Kentucky 40202-3305
- b. All open records requests must be made pursuant to the established procedure for requesting records, enumerated in the Jefferson County Personnel Policies Manual Section 6.4.
- c. In the event the requester desires to have photocopies made of Board public records or documents, the fee for such copying shall be 25 cents per page. All checks for photocopying shall be made payable to the Treasurer's Office.

NUMBER: 2.4

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d. Nothing contained in this rule shall be constructed as an abrogation of the right of the Board to deny, in whole or in part, inspection of any record determined to be non-disclosable under the Open Records Act, KRS 61-870 et seq. In the event of any such denial, the Board shall comply with the requirements of 61.880.

Reference - Policies Manual 6.4

NUMBER: 3.1

EFFECTIVE DATE: 06/24/86

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3. POSITION CLASSIFICATION

3.1 **GENERAL PROVISIONS**

- 3.1(1) The Director of Personnel shall conduct or direct all job analysis studies necessary to include covered employees in Jefferson County Government's Classification and Compensation Plan.
- 3.1(2) The provisions of the Jefferson County Personnel Policies Manual relating to position classification shall apply to all covered employees. This includes the provisions on reclassification.
- 3.1(3) The Director of Personnel shall notify the Board of any changes in the Classification and Compensation Plan at its regular meetings.

Reference: Policies Manual 2.1 - 2.4 3.1 - 3.9 17.1 - 17.4

NUMBER: 3.2

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REVISED:

3.2 **JOB DESCRIPTIONS**

- 3.2(1) The Director of Personnel shall be responsible for the preparation of job descriptions for each covered position.
- 3.2(2) The provisions of the Jefferson County Personnel Policies Manual relating to job descriptions shall apply to all covered positions.
- 3.2(3) The Director of Personnel shall notify the Board of any changes in job descriptions at its regular meeting.

Reference: Policies Manual 2.3

NUMBER: 3.3

EFFECTIVE DATE: 06/24/86

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3.3 <u>USE OF CLASSIFICATION TITLES</u>

The classification title shall be the official title of every position assigned to a classification. All Official records and documents shall reflect the classification title assigned under the Classification and Compensation Plan. The use of unofficial or working titles is prohibited.

NUMBER: 4.1

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4. APPLICATION AND SELECTION FOR EXAMINATION

4.1 **RECRUITMENT**

The Director of Personnel shall determine appropriate procedures for recruitment of applicants, based on the number of qualified applicants needed and the principles of equal employment opportunity and affirmative action.

NUMBER: 4.2

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4.2 **ANNOUNCEMENTS**

- 4.2(1) Announcements of examinations shall be circulated according to procedures determined by the Director of Personnel.
- 4.2(2) Announcements shall include the title and salary level of the classification; the time, place and manner of making application; the final filing deadline; qualifications required, if any; the date, time, place and type of examination to be administered; and include a description of the work to be performed.
- 4.2(3) Announcement of a promotional examination shall be made at least ten days prior to the administration of the examination.
- 4.2(4) In addition to 4.2(1), notice of open competitive examinations may be advertised papers and/or by radio not less than ten (10) days prior to the filing deadline when the Director of Personnel determines that such advertising is necessary to produce an adequate number of qualified applicants or to support the affirmative action program of Jefferson County Government.

NUMBER: 4.3

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4.3 **APPLICATIONS**

The provisions of the Jefferson County Personnel Policies Manual relating to applications and the disqualification of applicants shall apply to all covered positions.

Reference: Policies Manual 9.1 - 9.2

NUMBER: 5.1

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5. EXAMINATIONS

5.1 **CHARACTER OF EXAMINATIONS**

Examinations shall be job related in character, practical in nature and relevant to those factors which test thoroughly the capabilities and qualifications of the applicant to discharge both proficiently and efficiently the duties of the classification. The design of examinations shall be guided by the <u>Uniform Guidelines on Selection Procedures</u>.

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5.2 **SCOPE OF EXAMINATIONS**

Examinations may consist of written or oral tests, physical fitness tests and medical examinations, subject to the applicable provisions of the Americans with Disabilities Act. The Director of Personnel shall be responsible for determining the types of examinations to be administered, and is empowered to employ the services of a professional in the testing field who may otherwise be designated Examination Manager.

NUMBER: 5.3

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5.3 **ADMISSION TO EXAMINATIONS**

Only persons who have met all qualifications and whose applications are submitted and accepted prior to the final deadline shall be admitted to participate in the examination.

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5.4 **ADMINISTRATION**

- 5.4(1) The Director of Personnel shall be responsible for overseeing the administration, integrity and security of all examinations, and shall be empowered to employ the services of a professional in the testing field who may formulate, give and grade the examinations, and who may otherwise be designated Examination Manager.
- 5.4(2) The Director of Personnel shall be responsible for reporting the results of all examinations to the Board. Such reporting shall be at the next regular meeting of the Board and may be after the creation and certification of an eligibility list.
- 5.4(3) No applicant shall be allowed to take an examination other than at the time and place designated for such in advance unless there are conditions which, in the opinion of the Director of Personnel, justify otherwise.
- 5.4(4) Except as provided in 5.5(3), all examination materials shall be guarded as privileged and confidential and not available for public inspection. Any covered employee of the Board or Board member who engages in an activity which destroyed the integrity, confidentiality, or security of the examination process shall be subject to immediate dismissal or removal, and, if warranted, prosecution.

NUMBER: 5.5

EFFECTIVE DATE: 06/24/86

REVISED: 01/25/89

5.5 **PROMOTIONAL EXAMINATIONS**

5.5(1) Waiver

Upon approval by the Director of Personnel, promotional examinations may be waived by the department director in the event there are less than five qualified applicants. Such a waiver shall not be granted until after the application period for the position has closed.

5.5(2) Notice

Notice of promotional examinations shall be posted at least ten days before the promotional examination is administered.

5.5(3) The Director of Personnel or Examination manager shall be responsible for the compilation of the grades of all candidates, based upon established percentages, and shall individually notify, in writing, each participant in the examination of their score. A written compilation of all scores on the examination shall be provided to the Chairperson of the Board. Upon written request, candidates may examine their own scoring cards or sheets and exams in the Personnel Department during hours established for that purpose by the Director of Personnel.

NUMBER: 5.6

EFFECTIVE DATE: 06/24/86

REVISED: 01/12/94

5.6 PHYSICAL AND MEDICAL EXAMINATIONS

- 5.6(1) The Personnel Department shall employ one or more medical examiners to conduct physical and medical examinations for classifications requiring medical and physical standards.
- 5.6(2) Medical and physical standards shall be subject to the provisions outlined in the Americans with Disabilities Act of 1990.
- 5.6(3) Performance on the physical and medical examinations shall be reported on a pass/fail basis.

NUMBER: 5.7

EFFECTIVE DATE: 06/24/86

REVISED:

5.7 **ERRORS IN GRADING**

Errors in grading an examination shall be corrected when they are discovered, as well as any error made in an eligibility list as a result; however, any such error shall not invalidate any appointment made prior to the discovery of the error. The Board may take such action as necessary to correct errors in grading.

NUMBER: 5.8

EFFECTIVE DATE: 06/24/86

REVISED:

5.8 **POSTPONEMENT OR CANCELLATION**

- 5.8(1) The Director of Personnel, when necessary, may postpone or cancel an examination.
- 5.8(2) All applicants scheduled to take an examination that is cancelled or postponed shall be given notice of such cancellation or postponement.

NUMBER: 5.9

EFFECTIVE DATE: 06/24/86

REVISED:

5.9 **PASSING POINT SCORES**

The passing point score for any examination shall be established by the Director of Personnel or Examination Manager based upon sound testing procedures. All passing point scores shall be reported in writing to all Board members at the next regular meeting. Such reporting may be after the creation and certification of the eligibility list. Passing point scores may be set in a manner to assist the Board to meet any applicable affirmative action goals.

NUMBER: 5.10

EFFECTIVE DATE: 06/24/86

REVISED:

5.10 **NOTICE OF TEST RESULTS**

All applicants who complete an examination shall be notified in writing of their score and, after compilation of all numerically-rated elements of the examination process, shall be notified of their final earned rating and ranking on the appropriate eligibility list.

NUMBER: 5.11

EFFECTIVE DATE: 06/24/86

REVISED:

5.11 **RESULTS OF FAILING AN EXAMINATION**

Any applicants who fails an examination, other than a clerical performance examination (i.e. typing, dictation, and/or transcription) shall be ineligible to apply for an examination for the same classification for a period of six (6) months from the date of the final filing deadline of the failed examination.

Any candidate who fails a clerical performance examination shall be ineligible for admission for the same classification with equal or higher clerical performance requirements, for a period of one month from the date of administration of the failed examination.

NUMBER: 6.1

EFFECTIVE DATE: 06/24/86

REVISED:

6. ELIGIBILITY LISTS

6.1 **GENERAL PROVISIONS**

- 6.1(1) The Director of Personnel shall be responsible for the preparation of all eligibility lists following the completion of all required numerically rated examinations for a classification.
- 6.1(2) The eligibility list shall show the name of each eligible in order of final standing in the examination process. The eligibility list shall also provide for notation of each certification, date of appointment, and such other information, as may be determined necessary by the Director of Personnel.
- 6.1(3) The eligibility lists shall be maintained in the Personnel Department and may be reviewed by any covered employee during normal working hours of the Personnel Department.
- 6.1(4) In the event a candidate's name is placed on an eligibility list and the candidate changes address of residence, the candidate shall notify the Director of Personnel at once, giving the new address.

NUMBER: 6.2

EFFECTIVE DATE: 06/24/86

REVISED: 04/01/87

08/11/88 05/18/89

6.2 <u>COMPETITIVE ELIGIBILITY LISTS</u>

- 6.2(1) Open competitive eligibility lists contain the names of persons who are qualified for further selection procedures or appointment as a result of open competitive, numerically-rated examinations for positions assigned to the classification covered by the list. All lists created before July 1, 1987, shall be effective for two years, unless otherwise directed by the Board. All of the lists of this type created on or after July 1, 1987, shall be effective for one year, unless otherwise directed by the Board.
- 6.2(2) The names of all persons who have obtained a score, which is equal to or greater than the passing point score in the examination, shall be placed in rank order on the eligibility list for the classification for which they were examined.
- 6.2(3) In the event that two or more persons achieve the same final earned rating, the names shall be placed on the eligibility list in the order of rating earned on the part of the examination, which was given the greatest value in the total examination process.
- 6.2(4) In the event that two or more persons achieve the same final earned rating and the same rating on that part of the examination given the greatest value, the same rank shall be assigned to all persons with the same score and the names within that rank will be listed alphabetically.
- 6.2(5) When the Director of Personnel deems that circumstances warrant, an examination shall be given for the purpose of replenishing the list.
- (a) Eligibles whose names are on the existing list will not be given notification of the new examination. However, eligibles may reapply after the announcement of the examination has been posted.

NUMBER: 6.2

EFFECTIVE DATE: 06/24/86

REVISED: 04/01/87

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(b) If the eligible does not take the new examination, the eligibles name, with existing score, shall be integrated into the new list in rank order and shall remain on the list only as long as the eligibles name would have remained on the original list.

(c) If the eligible takes the new examination, the eligibles name shall be placed on the eligibility list with the passing score attained on the new examination; that name shall remain on the list for as long as the new list is to be effective. If the eligible fails to obtain a passing score, the eligibles name shall be removed from the list at the time the list is established.

NUMBER: 6.3

EFFECTIVE DATE: 06/24/86

REVISED: 04/01/87

6.3 **PROMOTIONAL ELIGIBILITY LISTS**

- 6.3(1) Promotional eligibility lists contain the names of covered employees who have completed all numerically-rated promotional examinations, and who are eligible for promotions to positions assigned to the classification covered by the list.
- 6.3(2) The names of all persons who have obtained a score, which is equal to or exceeds the passing point score in an examination shall be placed on the eligibility list for the classification for which they were examined.
- 6.3(3) In the event that two or more persons achieve the same final earned rating, the names shall be placed on the eligibility list in the order of rating earned in that part of the examination which was given the greatest value.
- 6.3(4) In the event that two or more persons achieve the same final earned rating and the same rating on that part of the examination given the greatest value, the names shall be placed on the eligible list in the same order as the applications were accepted from those persons.
- 6.3(5) All promotional eligibility lists created before July 1, 1987, shall be effective until exhausted from a period of two years, unless otherwise directed by the Board. All promotional lists created on or after July 1, 1987, shall be effective until exhausted for a period of one year, unless otherwise directed by the Board. Except for promotional eligibility lists for clerical positions, promotional eligibility lists shall not be consolidated with newly prepared lists.

NUMBER: 6.4

EFFECTIVE DATE: 06/24/86

REVISED: 08/11/88

6.4 REEMPLOYMENT ELIGIBILITY LISTS

- 6.4(1) Reemployment eligibility lists contain the names of former regular covered employees who resigned in good standing, requested to be placed on the reemployment eligibility lists, and are approved by the department director and Director of Personnel as eligible to be reemployed without examination, in positions assigned to the same classification as employee last held prior to separation.
- 6.4(2) The names of former regular employees shall be placed on this list in the order their request for placement on the list was received.
- 6.4(3) Reemployment eligibility lists shall have a continuous life with the name of each eligible remaining on the list for a period of one year from the date of separation.
- 6.4(4) In order to be placed on a reemployment eligibility list, former employees must apply for placement on the list within one year of separation from the service. Requests for inclusion on the list must be submitted in writing to the department director and approved by the department director and the Director of Personnel.
- 6.4(5) For the purpose of certification under Rule 7.2, reemployment eligibility lists shall be regarded as competitive.

NUMBER: 6.5

EFFECTIVE DATE: 06/24/86

REVISED: 01/15/87

6.5 PREFERRED REEMPLOYMENT ELIGIBILITY LISTS

- 6.5(1) Preferred reemployment eligibility lists contain the names of former covered employees who have been laid off and who are eligible for reemployment without competitive examination, for positions of the same classification in which the employee last held prior to layoff.
- 6.5(2) A separate preferred reemployment eligibility list shall be created for each classification in which covered employees are laid off.
- 6.5(3) The names of former employees on a preferred reemployment eligibility list shall be placed on the list in the order of layoff. If more than one employee has the same layoff date, the names of those persons shall be placed on the list under the same number ranking in alphabetical order.
- 6.5(4) A preferred reemployment eligibility list shall have a continuous life and the name of each former employee shall remain on the appropriate list for up to one year from the date of layoff became effective or, if the employee was on the preferred reemployment eligibility list on August 1, 1986, until August 1, 1987. An eligibles name will be removed from the list when a department makes an offer of full-time employment to that eligible, regardless of whether that offer is accepted or rejected.

NUMBER: 6.6

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6.6 **SEASONAL ELIGIBILITY LISTS**

- 6.6(1) A seasonal eligibility list contains the names of seasonal employees who have been previously employed in a particular classification who are available for seasonal appointments.
- 6.6(2) A separate seasonal eligibility list shall be maintained for each classification in which there are former seasonal employees eligible for appointment.
- 6.6(3) For the purpose of certification in Rule 7.2, seasonal eligibility lists shall be regarded as competitive.

NUMBER: 6.7

EFFECTIVE DATE: 06/24/86

REVISED: 01/25/89

6.7 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

- 6.7(1) The Director of personnel may remove a name from an eligibility list or refuse to certify a name on an eligibility list, if the eligible:
- (a) Fails to notify the Board in writing of any change in address. For this purpose the return of a letter by the postal authorities, if properly addressed to the last address on the record, shall be deemed sufficient grounds for this action.
- (b) Fails to notify the Board of any change, which would affect the eligible's availability for employment.
- (c) Requests in writing such action.
- (d) Fails to report for duty as directed by the department director.
- (e) Has not been appointed after having been certified five times for consideration for a promotional appointment to positions for which the list was prepared.
- (f) Has not been appointed after having been certified five times for consideration for an original appointment to positions for which the list was prepared.
- (g) Resigns and the eligible's name appears on a Promotional Eligibility List.
- (h) Fails to respond to any request for information from the Personnel Department.

NUMBER: 7.1

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7. APPOINTMENT

7.1 **REQUISITIONS**

7.1(1) In order to fill a vacancy for a covered position, the department director makes a request to the Director of Personnel to certify a list of eligibles by completion and submission of a requisition form prepared for such use by the Director of Personnel. The department director shall indicate on this form the desired type of eligibility list and method of appointment. Requisitions for classification, which have former employees on a preferred Reemployment Eligibility List, shall request certification of the Preferred Reemployment Eligibility List, preference shall be given for the use of promotion to fill vacancies.

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7.2 **CERTIFICATION**

7.2(1) After receipt of the requisition form and upon completion of final earned ratings for all required numerically-rated examinations, the Director of personnel shall certify to the department direction the list of eligibles prepared for the classification to which the position to be filled is assigned.

7.2(2) Preferred Reemployment

If the vacancy is to be filled through preferred reemployment, the Director of Personnel shall certify to the department director all of the names on the appropriate eligibility list.

A certification of a list of eligibles to fill any number of vacancies in a classification at the same time shall be considered a single certification for each eligible regardless of the number of vacancies to be filled.

7.2(3) Reemployment

If the vacancy is to be filled through reemployment, the Director of personnel shall certify to the department director all of the names on the appropriate eligibility list.

A certification of a list of eligibles to fill any number of vacancies in a classification at the same time shall be considered as a single certification for each eligible regardless of the number of vacancies to be filled.

7.2(4) Competitive

If the vacancy is to be filled through open competitive examination, the Director of Personnel shall certify to the department director all of the names on the appropriate eligibility list. If the department director requests that he vacancy be filled through open competitive examination and there is a preferred reemployment eligibility list for that classification, the Director of Personnel shall certify the preferred reemployment eligibility list only. If the department director requests that the vacancy be filled through open competitive examination and there is a reemployment eligibility list for that

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classification, the Director of Personnel shall certify both the open competitive eligibility list of eligibles to fill any number of vacancies in a classification at the same time shall be considered a single certification for each eligible regardless of the number of vacancies to be filled.

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7.2(5) Promotion

If the vacancy is to be filled through promotion, the Director of Personnel shall certify to the department director from the appropriate eligibility list, all of the names of eligibles in rank order beginning with the top name on the list.

A certification of eligibles to fill any number of vacancies in a classification at the time shall be considered a single certification for each eligible regardless of the number of vacancies to be filled.

- 7.2(6) The department director shall instruct eligibles when to report for any interview for the open position. The name of an eligible who fails to report for the interview shall be reported to the Director of Personnel who shall determine whether there is adequate reason to remove the name from the eligibility list.
- 7.2(7) Eligibles shall not be permitted to waive certification or to determine when their names will be certified.

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7.3 **APPOINTMENT**

7.3(1) Appointing Authority

- (a) All appointments, promotions, demotions, layoffs and dismissals of employees are recommended by the County Judge/Executive, and are subject to the approval of the Fiscal Court.
- (b) With the exception of persons appointed on an emergency basis, newly hired and promoted employees may not begin work until the Director of Personnel notifies the appropriate Department Executive of Fiscal Court's approval of the appointment.

7.3(2) General Provisions

- (a) The department director shall notify the Director of Personnel, on a form prepared for such use, which eligible has been selected to be recommended for appointment. The names of eligibles not selected shall be returned to the same positions on the eligibility list as was held prior to certification.
- (b) The department director may only request appointment of persons whose names appear on the certified list of eligibles unless otherwise provided for in these rules.
- (c) No person may receive more than one appointment within the Merit System at any one time.

7.3(3) Emergency Appointment

(a) In the event that there are urgent reasons for filling a vacancy and the Director of Personnel is unable to certify a list of eligibles within a reasonable amount of time, the department director may request the Director of Personnel to authorize the placement of a person in the vacancy on a temporary basis without benefit of examination. The department director shall inform the Director of Personnel of the person the department director wishes appointed on a temporary basis, listing that person's qualifications for appointment. The Director of Personnel shall determine if the person so requested is

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qualified, and shall certify this in writing to Fiscal Court, prior to authorizing the emergency appointment.

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(b) Emergency appointments shall not continue, under any circumstance, for longer than three months.

- (c) Emergency appointment authorized by the Director of Personnel must be subsequently approved by the Board.
- (d) Service by an employee in emergency appointments who receive subsequent appointment to regular positions shall have the time served in the emergency capacity count toward completion of their probation period provided such service is continuous, in the same classification and in the same department.
- (e) No person may receive more than two emergency appointments within any one period of twelve consecutive months.

7.3(4) Temporary Appointment

- (a) Persons may be appointed for specific and limited periods of time to provide Jefferson County Government with work or services of a temporary or transitory nature.
- (b) Temporary appointment shall not continue for longer than three months. Persons may receive subsequent temporary appointments.
- (c) Temporary employees receive no fringe benefits.

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(d) Temporary employees shall meet the minimum requirements for the classification to which they have been appointed.

(e) Temporary employees are not required to be on an eligibility list for the classification to which they have been appointed.

7.3(5) <u>Seasonal Appointment</u>

- (a) The department director may create and fill positions, which require work during only certain times of each year on a regularly reoccurring basis.
- (b) The Director of Personnel shall be responsible for preparing eligibility lists for seasonal appointments without benefit of examination, when appropriate.
- (c) At the beginning of each new season, the department director may reemploy those employees, who worked in similar seasonal positions during the last previous season requiring such work, unless:
 - the employee has indicated in writing to the Director of Personnel that a seasonal appointment is no longer desired,
 - the department director has dismissed the employee for cause, or
 - the work is no longer required.

7.3(6) Acting Appointment

The department director shall appoint employees to positions of a higher classification on an acting basis without benefit of examination for a period not to exceed three months. The department director shall report all such appointments in excess of five days, in writing, to the Board at its next regular meeting.

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7.3(7) Reemployment Appointment

The department director may request the appointment of former regular covered employees who have resigned in good standing and who have been placed on a Reemployment Eligibility List to positions assigned to the same classification which they last held prior to resignation.

7.3(8) <u>Preferred Reemployment Appointment</u>

The department director may request the appointment of former regular covered employees who have been listed on a Preferred Reemployment Eligibility List, to positions assigned to the same classification which they last held prior to layoff.

Reference: Policies Manual 3.9 and 12.5

NUMBER: 8.1

EFFECTIVE DATE: 06/24/86

REVISED: 03/11/93 05/08/97

11/15/01

8. PROBATION

8.1 **GENERAL PROVISIONS**

- 8.1(1) The probation period shall be used as an opportunity to observe and appraise the newly-appointed employee's work, to aid the employee in adjusting to the new position, and to take the appropriate action to remove from the position any employee whose work performance fails to meet required standards.
- 8.1(2) The Jefferson County Personnel Policies Manual and the current controlling Collective Bargaining Agreement set forth their respective probationary periods, which periods may be extended only as set forth therein.

Reference: Policies Manual 12.2

Collective Bargaining Agreement by and between Jefferson County Fiscal Court and the American Federation of State, County and Municipal Employees, AFL-CIO, Effective July 1, 2001 - June 30, 2006,

Article 33.

NUMBER: 9.1

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9. DISCIPLINE

9.1 **PRINCIPLES OF BEHAVIOR**

Covered employees shall adhere to the Responsibility as a Public Employee, Harassment and Principles of Behavior provisions contained in the Jefferson County Personnel Policies Manual.

NUMBER: 9.2

EFFECTIVE DATE: 06/24/86

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9.2 **GENERAL PROVISIONS**

The provisions of the Jefferson County Personnel Policies Manual relating to reasons for discipline, authority to discipline, procedures for effecting discipline, types of discipline and suspensions pending investigations and criminal charges shall apply.

Reference: Policies Manual 14.1 - 14.6

NUMBER: 10.1

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REVISED: 05/14/87

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10. APPEALS AND HEARINGS

10.1 **GENERAL PROVISIONS**

- 10.1(1) The provisions of this section govern disciplinary and nondisciplinary appeals and grievances and are not subject to collective bargaining.
- 10.1(2) Regular covered employees who are suspended in excess of fifteen (15) days, demoted, or dismissed may appeal to the Board for a review of the action. Such employees do not have the option of appealing through the grievance mechanism in the Jefferson County Personnel Policy Manual.
- 10.1(3) Appeals requesting Board review must be made in writing, and dressed to the Board with a copy to the department director. The written appeal must be made within seven (7) days of the effective date of the disciplinary action and must be on the standard appeal form provided by the Personnel Department.
- 10.1(4) An employee who submits an appeal for Board review of a disciplinary action shall be provided a copy of the Hearing Procedures of the Board, which shall govern all hearings, conducted by the Board.
- 10.1(5) An employee granted a Board hearing shall have the right to be represented by legal counsel at the hearing and during the hearing process.
- 10.1(6) Counseling letters, warnings, reprimands and suspensions of fifteen (15) days or less are not appealable to the Board. An employee who has received a counseling letter, warning, reprimand or suspension of fifteen (15) days or less may appeal through the grievance mechanism established in the Jefferson County Personnel Policy Manual.

NUMBER: 10.1 EFFECTIVE DATE: 06/24/86

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10.1(7)	Nondisciplinary grievances (except layoffs and political
	discrimination) may be appealed only through the grievance
	mechanism established in the Jefferson County Personnel
	Policy Manual.
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- 10.1(8) Layoffs may be appealed as provided in 12.1(8).
- 10.1(9) Grievances alleging political discrimination may be appealed as provided in 1.4.

Reference: Policies Manual 15.1 - 15.3

NUMBER: 11.1

EFFECTIVE DATE: 06/24/86

REVISED: 03/11/93

11. LEAVES OF ABSENCE

11.1 **GENERAL PROVISIONS**

The provisions of the Jefferson County Personnel Policies Manual relating to leaves of absence shall apply.

Reference: Policies Manual 16.1 - 16.4

NUMBER: 12.1

EFFECTIVE DATE: 06/24/86 REVISED: 08/11/88, 01/12/94

05/09/02

12. LAYOFF

12.1 GENERAL PROVISIONS

- 12.1(1) All regular covered employees who are laid off shall have their name placed on a Preferred Reemployment Eligibility List.
- 12.1(2) The department director shall notify the Board and the affected employees in writing at least ten (10) working days prior to any intended layoff.
- 12.1(3) No regular employee in a classification shall be laid off when there are temporary, part time or probationary employees in the department working in positions assigned to the same classification.
- 12.1(4) County Government shall determine the classifications to be reduced or eliminated when, due to lack of work or reorganization, it becomes necessary to layoff employees. The order of layoff shall be based on seniority as defined in Rule 1.7, and on classification to be reduced or eliminated within a department.
- 12.1(5) The least senior employee in the classification shall be transferred to another classification in that department within the same salary grade if there is a less senior employee and if the more senior employee meets the minimum qualifications of the less senior employee's classification. In this event the less senior employee shall be scheduled for layoff. The less senior employee scheduled for layoff shall be demoted to a classification in that department in the next lower salary grade if there is a less senior employee in that classification and if the more senior employee meets the minimum qualifications of the less senior employee's classification. In this event, the less senior employee shall be scheduled for layoff.

NUMBER: 12.1

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- 12.1(6) If there is no less senior employee in that department in the next lower salary grade, the employee scheduled for layoff shall be demoted to replace the least senior employee in that department in the next successively lower salary range provided the demoted employee meets the minimum qualifications of the less senior employee's classification before bumping into such a classification.
- 12.1(7) Recalls shall be by classification and shall be in the reverse order of the reduction or layoff (i.e., the first to be recalled shall be the last laid off) provided such employees meet the minimum qualifications of the classification.
- 12.1(8) Any regular employee may appeal a layoff to the Board within ten (10) calendar days of the layoff. Such appeal must be on the standard appeal form provided by the Personnel Department.

Reference: Policies Manual 17.5 - 17.6

NUMBER: 13.1

EFFECTIVE DATE: 06/24/86

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13. RESIGNATION

13.1 **GENERAL PROVISIONS**

- 13.1(1) The department director shall report to the Director of Personnel the name of any employee who resigns from a covered position and whether or not the employee resigned in good standing.
- Persons who resign in good standing may, within one year of resignation, request that the Board place their names on the reemployment eligibility list. (see Rule 6.4 Reemployment Eligibility List)